UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
LAZARO, DAVID R

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/675,982	NOBLE, SETH BRADLEY
	Examiner	Art Unit
	David Lazaro	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _21 April 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-14 and 16-45_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-14 and 16-45_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the amendment filed 04/21/05.

2.   Claims 1, 16, 28 and 39 were amended.

3.   Claim 15 is canceled.

4.   Claims 1-14 and 16-45 are pending in this office action.

Response to Amendment

5.   The following grounds of rejection are respectfully maintained in accordance with

applicant's amendment:

   a.   Claims 1-14 and 16-25, 27-36 and 39-44 and is rejected under 35

U.S.C. 102(e) as being anticipated by U.S. Patent 5,878,228 by Miller et al.

(Miller).

   b.   Claim 26, 37, 38 and 45 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Miller in view of U.S. Patent 5,845,280 by Treadwell, III et al.

(Treadwell).

6.   Applicant's arguments filed 04/21/05 have been fully considered but they are not

persuasive. See 'Response to Arguments' section.

7.   The examiner simply notes an incorrect status identifier ("previously presented"

versus "currently amended") was used for claim 28. For future amendments, please be

sure to check for proper status identifiers to avoid possible delays in prosecution.

Claim Rejections - 35 USC § 112

8.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9.   Claims 1, 2, 16, 22, 34, 35, 39 and 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10.   Claim 1 recites the limitation '"said first portion" in "3)" under "b)" and also in "c)". There is insufficient antecedent basis for this limitation in the claim.

11.   Claim 2 recites the limitation "said first portion" in line 3. There is insufficient antecedent basis for this limitation in the claim.

12.   Claim 16 recites the limitation "said first response" in "3)" under "b)". There is insufficient antecedent basis for this limitation in the claim.

13.   Claim 16 recites the limitation "said answering" in "d)". There is insufficient antecedent basis for this limitation in the claim.

14.   Claim 22 recites the limitation "said second limit" in line 2. There is insufficient antecedent basis for this limitation in the claim.

15.   Claim 34 recites the limitation "said second limit" in line 3. There is insufficient antecedent basis for this limitation in the claim.

16.   Claim 35 recites the limitation "said second limit" in "1)". There is insufficient antecedent basis for this limitation in the claim.

17.   Claim 39 recites the limitation "said data object" in "2)" under "a)". There is insufficient antecedent basis for this limitation in the claim.

18.   Claim 45 recites the limitation "said data object" in lines 3 and 4. There is

insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

19.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

20.   Claims 1-14 and 16-25, 27-36 and 39-44 and is rejected under 35 U.S.C. 102(e)

as being anticipated by U.S. Patent 5,878,228 by Miller et al. (Miller).

21.   With respect to Claim 1, Miller teaches a method, comprising: a) generating, at a

client, a request for an action to a be performed by a server to a data object, said data

object being maintained by said server (Col. 5 lines 2-5); b) sending a request message

from said client to said server over a network, wherein said request message asks for a

portion of a response to said request (Col. 5 lines 2-8), wherein said request message

further comprises: 1) a description of said action (Col. 5 line 60 to Col. 6 lines 8); 2) a

description of said data object (Col. 6 lines 65-67); 3) a first limit that defines the

maximum size of said first portion (Col. 5 lines 5-10 and Col. 6 lines 52-56); c)

maintaining an understanding at a client of those portions of said first portion that have

been sent by said server and received from said network by said client (Col. 5 lines 29-

45); and d) issuing another request message from said client to said server for another portion of said response that has not been received at said client (Col. 5 lines 29-45).

22.   With respect to Claim 2, Miller teaches all the limitations of Claim 1 and further teaches sending a reply message from said server to said client, said reply message having at least a portion of said first portion of said response (Col. 5 lines 29-33 and lines 6-16).

23.   With respect to Claim 3, Miller teaches all the limitations of Claim 2 and further teaches said reply message further comprises an indication of a size of said response (Col. 7 lines 1-23, particularly lines 15-17).

24.   With respect to Claim 4, Miller teaches all the limitations of Claim 3 and further teaches said indication of a size of said response further comprises an indication of how much of said response remains to be delivered to said client (Col. 7 lines 1-23 and Col.8 lines 23-40).

25.   With respect to Claim 5, Miller teaches all the limitations of Claim 2 and further teaches said reply message is part of a burst of reply messages, said burst of reply messages carrying said first portion of said response (Col. 5 lines 10-18).

26.   With respect to Claim 6, Miller teaches all the limitations of Claim 2 and further teaches said another request message comprises a starting address (Col. 6 lines 48-51) and an extent (Col. 6 lines 52-55).

27.   With respect to Claim 7, Miller teaches all the limitations of Claim 6 and further teaches said starting address corresponds to an address between a starting address for said response and an ending address for said response (Col. 6 lines 48-51).

28.   With respect to Claim 8, Miller teaches all the limitations of Claim 6 and further

teaches said extent corresponds to an address between a starting address for said

response and an ending address for said response (Col. 6 lines 52-55).

29.   With respect to Claim 9, Miller teaches all the limitations of Claim 2 and further

teaches said reply message further comprises an indication of a capacity of said server

(Col. 5 lines 10-15 and Col. 9 line 64 - Col. 10 line 4).

30.   With respect to Claim 10, Miller teaches all the limitations of Claim 9 and further

teaches said indication of a capacity of said server further comprises a server burst size

limit (Col. 5 lines 10-15 and Col. 9 line 64 - Col. 10 line 4).

31.   With respect to Claim 11, Miller teaches all the limitations of Claim 2 and further

teaches said another request message further comprises an indication of a capacity of

said client (Col. 5 lines 6-10).

32.   With respect to Claim 12, Miller teaches all the limitations of Claim 11 and further

teaches said indication of a capacity of said client further comprises a client burst limit

(Col. 5 lines 9-10).

33.   With respect to Claim 13, Miller teaches all the limitations of Claim 2 and further

teaches said another request message further comprises a description of an object

located at said server (Col. 6 lines 65-67).

34.   With respect to Claim 14, Miller teaches all the limitations of Claim 13 and further

teaches said another request message further comprises an action to be taken by said

server upon said request (Col. 6 lines 41-45).

35.   With respect to Claim 16, Miller teaches a method, comprising: a) generating, at

a client, a request for an action to a be performed by a server to a data object, said data

object being maintained by said server (Col. 5 lines 2-5); b) sending a request message

from said client to said server over a network, wherein said request message asks for a

first portion of a response to said request (Col. 5 lines 2-8), wherein said request

message further comprises: 1) a description of said action (Col. 5 line 60 to Col. 6 lines

8); 2) a description of said data object (Col. 6 lines 65-67); 3) a first limit that defines the

maximum size of said first response (Col. 5 lines 5-10 and Col. 6 lines 52-56); c)

performing, at said server, at least a part of said action to said data object (Col. 5 lines

10-16); and d) sending a burst of reply messages from said server to said client over

said network in order to provide said answering to said request message (Col. 5 lines

10-16), wherein: 1) each reply message within said burst of reply messages carries a

different piece of said asked for first portion (Col. 5 lines 6-16) 2) the aggregate of said

different pieces is an amount of data that is not larger than said first limit (Col. 5 lines 6-

16).

36.   With respect to Claim 17, Miller teaches all the limitations of Claim 16 and further

teaches said client and said server can identify said response as an addressable block

of data (Col. 5 lines 19-21).

37.   With respect to Claim 18, Miller teaches all the limitations of Claim 17 and further

teaches said request further comprises: 1) a first address of said block of data that

corresponds to a starting address for said response (Col. 6 lines 48-51); and 2) a

second address of said block of data that corresponds to a terminating address for said

response (Col. 6 lines 52-55).

38.   With respect to Claim 19, Miller teaches all the limitations of Claim 17 and further

teaches said request defines: 1) a first address of said block of data that corresponds to

a starting address for said response (Col. 6 lines 48-51); and 2) an extent value that

describes how much information beyond said starting address corresponds to the rest

of said response (Col. 6 lines 52-55).

39.   With respect to Claim 20, Miller teaches all the limitations of Claim 16 and further

teaches said request indicates said response is to be crafted as only a section of a full

response, said full response being the complete result of said action being performed

on said data object (Col. 5 lines 1-5).

40.   With respect to Claim 21, Miller teaches all the limitations of Claim 16 and further

teaches sending a second request message from said client to said server over said

network, wherein said second request messages asks for a second portion of said

response (Col. 5 lines 1-5).

41.   With respect to Claim 22, Miller teaches all the limitations of Claim 21 and further

teaches said second request message further comprises said first limit and said second

limit (Col. 5 lines 6-10).

42.   With respect to Claim 23, Miller teaches all the limitations of Claim 21 and further

teaches sending a second burst of reply messages from said server to said client in

order to answer said second request message (Col. 5 lines 10-16).

43.   With respect to Claim 24, Miller teaches all the limitations of Claim 16 and further teaches said first limit is maintained by said client (Col. 5 lines 8-10), and a third limit is maintained by said server (Col. 5 lines 10-15), said third limit defining the maximum amount of data that said server is allowed to send to said client in answering said initial request message, wherein said third limit is less than said first limit and said aggregate of said different pieces is an amount of data that is not larger than said third limit (Col. 5 lines 6-16).

44.   With respect to Claim 25, Miller teaches all the limitations of Claim 16 and further teaches at least one of said reply messages further comprises the size of said response (Col. 7 lines 1-23, particularly lines 15-17).

45.   With respect to Claim 27, Miller teaches all the limitations of Claim 16 and further teaches said client assigns a transaction identifier to said request and includes said transaction identifier into said initial request (Col. 5 lines 1-5 and Col. 6 lines 5-7).

46.   With respect to Claim 28, Miller teaches a machine readable medium having stored thereon a sequence of instructions which when executed by a processing core cause said processing core to perform a method, said method comprising: forming request message for sending over a network to a server, wherein said request message asks for a first portion of a response to a request (Col. 5 lines 2-8) from a software program for an action to be performed by a server, wherein said initial request message further comprises: 1) a description of said action (Col. 5 line 60 to Col. 6 lines 8); 2) a description of said data object (Col. 6 lines 65-67); 3) a first limit that defines the maximum size of said first portion (Col. 5 lines 5-10 and Col. 6 lines 52-56).

47.   With respect to Claim 29, Miller teaches all the limitations of Claim 28 and further teaches said application software program can identify said response as an addressable block of data (Col. 5 lines 19-21).

48.   With respect to Claim 30, Miller teaches all the limitations of Claim 29 and further teaches said request further comprises: 1) a first address of said block of data that corresponds to a starting address for said response (Col. 6 lines 48-51); and 2) a second address of said block of data that corresponds to a terminating address for said response (Col. 6 lines 52-55).

49.   With respect to Claim 31, Miller teaches all the limitations of Claim 29 and further teaches said request defines: 1) a first address of said block of data that corresponds to a starting address for said response (Col. 6 lines 48-51); and 2) an extent value that describes how much information beyond said starting address corresponds to the rest of said response (Col. 6 lines 52-55).

50.   With respect to Claim 32, Miller teaches all the limitations of Claim 28 and further teaches said request indicates said response is to be crafted as only a section of a full response, said full response being the complete result of said action being performed on said data object (Col. 5 lines 1-5).

51.   With respect to Claim 33, Miller teaches all the limitations of Claim 28 and further teaches forming a second request message for sending to said server over said network, wherein said second request messages asks for a second portion of said response (Col. 5 lines 1-5).

52.   With respect to Claim 34, Miller teaches all the limitations of Claim 33 and further

teaches said second request message further comprises said first limit and said second

limit (Col. 5 lines 6-10).

53.   With respect to Claim 35, Miller teaches all the limitations of Claim 28 and further

teaches receiving a burst of reply messages that were sent over said network from said

server in order to provide said answering to said initial request message (Col. 5 lines

10-16), wherein: 1) each reply message within said burst of reply messages carries a

different piece of said asked for first portion, wherein, each of said different pieces is not

larger than said second limit (Col. 5 lines 8-9) and wherein 2) the aggregate of said

different pieces is an amount of data that is not larger than said first limit (Col. 5 lines 9-

10).

54.   With respect to Claim 36, Miller teaches all the limitations of Claim 35 and further

teaches at least one of said reply messages further comprises the size of said response

(Col. 7 lines 1-23, particularly lines 15-17).

55.   With respect to Claim 39, Miller teaches a machine readable medium having

stored thereon a sequence of instructions which when executed by a processing core

cause said processing core to perform a method, said method comprising: forming a

burst of reply messages in order to provide an answer to an request message that was

sent over a network by a client (Col. 5 lines 10-16), wherein said request message

asked for a first portion of a response to a request from a client software program for an

action to be performed (Col. 5 lines 1-10), wherein: a) said request message further

comprised: 1) a description of said action (Col. 5 line 60 to Col. 6 lines 8); 2) a

description of said data object (Col. 6 lines 65-67); 3) a first limit that defines the
maximum size of said first portion (Col. 5 lines 5-10 and Col. 6 lines 52-56); and b)
wherein: 1) each reply message within said burst of reply messages carries a different
piece of said asked for first portion (Col. 5 lines 6-10) and wherein 2) the aggregate of
said different pieces is an amount of data that is not larger than said first limit (Col. 5
lines 6-10).

56.   With respect to Claim 40, Miller teaches all the limitations of Claim 39 and further
teaches receiving a second request message that was sent by said client over said
network, wherein said second request message asked for a second portion of said
response (Col. 5 lines 1-5).

57.   With respect to Claim 41, Miller teaches all the limitations of Claim 40 and further
teaches sending a second burst of reply messages from said server to said client in
order to answer said second request message (Col. 5 lines 6-16).

58.   With respect to Claim 42, Miller teaches all the limitations of Claim 39 and further
teaches maintaining a third limit, said third limit defining the maximum amount of data
that is allowed to be sent to said client in answering said initial request message (Col. 5
lines 10-15).

59.   With respect to Claim 43, Miller teaches all the limitations of Claim 42 and further
teaches said aggregate of said different pieces is an amount of data that is not larger
than said third limit if said third limit is less than said first limit (Col. 5 lines 10-15).

60.   With respect to Claim 44, Miller teaches all the limitations of Claim 39 and further

teaches at least on of said reply messages further comprises the size of said response

(Col. 7 lines 1-23, particularly lines 15-17).

Claim Rejections - 35 USC § 103

61.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

62.   Claim 26, 37, 38 and 45 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Miller in view of U.S. Patent 5,845,280 by Treadwell, III et al.

(Treadwell).

63.   With respect to Claim 26, Miller teaches all the limitations of Claim 16 but does

not explicitly disclose returning an object identifier that can be used for subsequent

requests on the same object. However, Treadwell shows it is well known in the art that

data objects can be assigned an object identifier (Col. 2 lines 25-29) that can be used in

subsequent requests (Col. 7 lines 8-16). It would have been obvious to one of ordinary

skill in the art at the time the invention was made to take the method disclosed by Miller

and modify it as indicated by Treadwell such that at least one of said reply messages

further comprises an object identifier that said client may use to refer to said data object

for subsequent requests that invoke said data object. One would be motivated to have

this as it reduces overhead in data transmission procedures (Col. 2 lines 29-35 of

Treadwell).

64.   With respect to Claim 37, Miller teaches all the limitations of Claim 35 but does

not explicitly disclose returning an object identifier that can be used for subsequent

requests on the same object. However, Treadwell shows it is well known in the art that

data objects can be assigned an object identifier (Col. 2 lines 25-29) that can be used in

subsequent requests (Col. 7 lines 8-16). It would have been obvious to one of ordinary

skill in the art at the time the invention was made to take the machine readable medium

disclosed by Miller and modify it as indicated by Treadwell such that at least one of said

reply messages further comprises an object identifier that may be used to refer to said

data object for subsequent requests that invoke said data object. One would be

motivated to have this as it reduces overhead in data transmission procedures (Col. 2

lines 29-35 of Treadwell).

65.   With respect to Claim 38, Miller in view of Treadwell further teaches said method

further comprises assigning a transaction identifier to said request and including said

transaction identifier into said initial request message (Col. 5 lines 1-5 and Col. 6 lines

5-7 of Miller).

66.   With respect to Claim 45, Miller teaches all the limitations of Claim 39 but does

not explicitly disclose returning an object identifier that can be used for subsequent

requests on the same object. However, Treadwell shows it is well known in the art that

data objects can be assigned an object identifier (Col. 2 lines 25-29) that can be used in

subsequent requests (Col. 7 lines 8-16). It would have been obvious to one of ordinary

skill in the art at the time the invention was made to take the machine readable medium

disclosed by Miller and modify it as indicated by Treadwell such that at least one of said

reply messages further comprises an object identifier that said client may use to refer to

said data object for subsequent requests that invoke said data object. One would be

motivated to have this as it reduces overhead in data transmission procedures (Col. 2

lines 29-3 of Treadwell 5).

Response to Arguments

67.   Applicant's arguments filed 04/21/05 have been fully considered but they are not

persuasive.

68.   Applicant argues on page 15 of the remarks "*The Applicant respectfully submits
that the BLAST protocol disclosed by Miller does not disclose, teach or suggest a client
in a client-server system specifying the maximum size of only a portion of a complete
response to a request. Specifically, the numBytes parameter disclosed at Col. 6, lines
52-55 of Miller specifies the size of the complete server's response and not just a
portion of the server's response. Therefore the Applicant's independent claims are
patentable over Miller.*"

    a.   The examiner first notes that the claims do not exclusively distinguish

"only a portion of a complete response to a request". The claim languages states

"wherein said request message asks for a portion of a response to said request"

(from claim 1, lines 5-6) and "a first limit that defines the maximum size of said

first portion" (claim 1, line 10). The examiner further contends that the scope of

this limitation would include a "portion" that is a full portion (complete response).

The examiner basis this interpretation in light of applicant's disclosure of the

specification. On page 16, lines 15-17, the specification states that information

is included in the request message that is "indicative of the client's and/or

network's capacity". Further on page 16, in lines 18-22, the specification states

that this information can include a limit related to the maximum allowable size of

the reply, which is what the examiner believes to the description of the claimed

"first limit". There is nothing described in the specification that would indicate the

"maximum allowable size of the reply" could not be the size of "the complete

server's response". In other words, the limit included in the request message is

related to the client's and/or network's capabilities. There is nothing described in

the specification that states these capabilities never exceed what is required. If

the capabilities are sufficient, the portion of the response can include a complete

response. Therefore, even by the Applicant's interpretation of Miller's teachings,

the numBytes parameter would be within the scope of the claimed subject

matter. Applicant's arguments are not persuasive.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to David Lazaro whose telephone number is 571-272-

3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

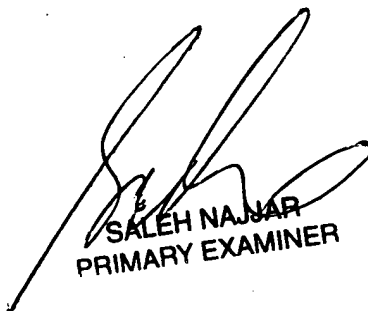571-273-8300

starting July 15, 2005   DPL

Information regarding the status of an application may be obtained from the

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

David Lazaro
July 1, 2005

SALEH NAJJAR
PRIMARY EXAMINER